

Serial No. 10/648,625

Page 5 of 12

Remarks

Claims 1-21 are pending in the application.

The Examiner finds the oath or declaration to be defective because of a non-initialed alteration by first joint inventor, AITA.

Claim 12 is objected to because of an informality.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dev et al. (Patent 5,559,955, hereinafter "Dev").

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Mayo et al. (Patent 5,751,965, hereinafter "Mayo").

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli et al. (Patent 5,831,610, hereinafter "Tonelli").

Claims 12, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, and further in view of Mayo.

Claims 14-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, in view of Mayo, and further in view of Galou et al. (Patent 6,957,263, hereinafter "Galou").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

529685-1

Serial No. 10/648,625

Page 6 of 12

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Objection to Oath or Declaration

The declaration is objected to by the Examiner because of a non-initialed and/or non-dated alterations by first joint inventor, Aita.

Applicants thank Examiner Vuu for speaking with Applicants' representative, Wan Yee Cheung, on February 9, 2007, and indicating that a supplemental declaration signed by Inventor N. Aita alone will be sufficient to remedy the defect.

A supplemental declaration listing the names of all inventors and signed by Inventor Nageshwar Aita is enclosed herewith to supplement the previously submitted declaration.

Applicants respectfully request that the objection to the Declaration be withdrawn.

Objection to Claim 12

Claim 12 is objected to because it recites "CIT/EMS", which should be spelled out. Claim 12 has been amended to spell out "craft interface terminal/element management system" in full.

Therefore, the objection of claim 12 should be withdrawn.

529685-1

Serial No. 10/648,625

Page 7 of 12

Rejection Under 35 U.S.C. 102**Claims 1-3 and 5-9**

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dev. The rejection is traversed.

The Office Action cited various icons and sections in connection with Dev's Figs. 8A-B as teaching Applicants' network element objects and bridge object, and further relied on col. 14, lines 1-7 as teaching Applicants' feature in the original claim 1 of "said network element objects and bridge objects may be manipulated to form a graphical representation of a desired circuit".

Independent claim 1 has been amended to further clarify Applicants' invention that the manipulation of the objects are done by a user. Specifically, the amended claim 1 recites, in part: "said network element objects and bridge objects may be manipulated by a user to form a graphical representation of the circuit being provisioned." No new matter has been added as a result of this amendment.

Applicants submit that this is not taught by col. 14, lines 1-7 of Dev, which discloses:

"[w]hen attribute data within the virtual network machine model changes, the appropriate icon manager is notified of the change and modifies the icon appearance to reflect the new state, the new statistics or appropriate error conditions. Thus, the icon manager displays data from the virtual machine model which it represents."

That is, the icon manager, upon being notified of any changes in the data, merely changes the icon appearance to reflect such changes. There is no teaching as to how the changes in the data are brought about, and certainly no teaching or suggestion that the icons in Dev can be manipulated in any manner to form a graphical representation of the circuit being provisioned, as taught in Applicants' invention.

Assuming, arguendo, that the icons in Dev were somehow manipulated to provide a graphical representation of a desired circuit, then there simply would not have been any

529685-1

Serial No. 10/648,625

Page 8 of 12

need for the icon manager in Dev to make any changes in the icon appearance, because such changes would have been already implemented during the manipulation.

Thus, Applicants submit that Dev does not teach the manipulations of icons as in Applicants' invention. Instead, Dev's icons are only used to present information to the user, as opposed to being manipulated to provide a graphical representation of a circuit being provisioned. This interpretation finds further support elsewhere in Dev, for example:

"User displays include hierarchical location views and topological views of the network configuration, and that network devices are represented by multifunction icons which permit the user to select additional displays showing detailed information regarding different aspects of the corresponding network device." (Abstract, emphasis added);

"A user interface object such as an icon manager or a view manager may communicate with a model, model type or model relation in the virtual network machine in order to retrieve attribute data." (col. 14, lines 41-44, emphasis added); and

"The multifunction icons used in the network management system provide a highly flexible technique for presenting information to the user." (col. 14, lines 49-51, emphasis added).

As such, Dev fails to disclose each and every element of the claimed invention, such as "wherein said network element objects and bridge objects may be manipulated by a user to form a graphical representation of the circuit being provisioned", as arranged in claim 1. Therefore, claim 1 is not anticipated by Dev, and thus, allowable under 35 U.S.C. 102(b).

Independent claim 6 recites, in part: "in response to a user selection of a network element object, the network element corresponding to the selected network object is selected for use in a circuit."

Applicants submit that the cited portions of Dev, col. 4, lines 30-40 and col. 5, lines 29-31, do not teach the above features in claim 6.

Specifically, Dev only discloses that "[b]y changing the device personality module 22, the user can add new types of network devices to the system" (col. 4, lines 33-35). However, the teaching is limited to the addition of new network devices to the

529685-1

Serial No. 10/648,625

Page 9 of 12

system, and there is simply no teaching that icons can be selected by a user for use in a circuit, as provided in Applicants' claim 6.

Applicants submit that Dev's teaching of network devices should be interpreted in the context of Dev's invention as a whole. Specifically, Dev teaches a method and apparatus for monitoring the operational status of a network, and providing such information to a user (e.g., Dev's Title; Abstract; col. 14, lines 41-44; col. 14, lines 49-5).

Furthermore, Dev teaches that the network management system performs two major operations: "[i]t services user requests entered by the user at user interface 10 and provides network information such as alarms and events to user interface 10. In addition, the virtual network machine 12 polls the network to obtain information for updating the network models as described hereinafter" (col. 5, lines 12-19), and the information is then "processed so that the operational status, faults and other information pertaining to the network are presented to the user in a systematized and organized manner" (col. 5, lines 22-25).

As such, Dev's icons are used only for the purpose of system monitoring and providing information to the user. Dev does not teach selecting any icons for use in a circuit in response to a user selection, as provided in Applicants' claim 6.

Thus, independent claim 6 is allowable over Dev under 35 U.S.C. 102(b).

Since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dev under 35 U.S.C. 102(b).

Accordingly, claims 1-3 and 5-9 are patentable under 35 U.S.C. 102(b) over Dev. Therefore, the rejection should be withdrawn.

Rejection Under 35 U.S.C. 103(a)

Claim 4

Claim 4 is rejected as being unpatentable over Dev in view of Mayo et al. (Patent 5,751,965, hereinafter "Mayo"). The rejection is traversed.

529685-1

Serial No. 10/648,625

Page 10 of 12

This ground of rejection applies only to a dependent claim, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Dev. Since the rejection under 35 U.S.C. 102 given Dev has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Mayo supplies that which is missing from Dev to render the independent claims anticipated, this ground of rejection cannot be maintained.

Accordingly, claim 4 is patentable under 35 U.S.C. 103(a) over Dev in view of Mayo. Therefore, the rejection should be withdrawn.

Claims 10 and 11

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli. The rejection is traversed.

This ground of rejection applies only to dependent claims, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Dev. Since the rejection under 35 U.S.C. 102 given Dev has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Tonelli supplies that which is missing from Dev to render the independent claims anticipated, this ground of rejection cannot be maintained.

Accordingly, claims 10-11 are patentable under 35 U.S.C. 103(a) over Dev in view of Tonelli. Therefore, the rejection should be withdrawn.

Claims 12, 13, 18 and 19

Claims 12, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, and further in view of Mayo. The rejection is traversed.

This ground of rejection applies only to dependent claims, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Dev. Since the rejection under 35 U.S.C. 102 given Dev has been overcome, as described hereinabove, and there is no

529685-1

Serial No. 10/648,625

Page 11 of 12

argument put forth by the Office Action that Tonelli and Mayo supply that which is missing from Dev to render the independent claims anticipated, this ground of rejection cannot be maintained.

Accordingly, claims 12, 13, 18, and 19 are patentable under 35 U.S.C. 103(a) over Dev in view of Tonelli, and further in view of Mayo. Therefore, the rejection should be withdrawn.

Claims 14-17, 20, and 21

Claims 14-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, in view of Mayo, and further in view of Galou. The rejection is traversed.

This ground of rejection applies only to dependent claims, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Dev. Since the rejection under 35 U.S.C. 102 given Dev has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Tonelli, Mayo and Galou supply that which is missing from Dev to render the independent claims anticipated, this ground of rejection cannot be maintained.

Accordingly, claims 14-17, 20 and 21 are patentable under 35 U.S.C. 103(a) over Dev in view of Tonelli, in view of Mayo, and further in view of Galou. Therefore, the rejection should be withdrawn.

Secondary References

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

529685-1

Serial No. 10/648,625

Page 12 of 12

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 3/14/07

Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

529685-1